

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

United States of America
Vs.

PHILLIP EUGENE CROOMS
DOB: 11/18/1982

JUDGMENT IN A CRIMINAL CASE (Incarceration)

Case No. 2011 CF1 009258
PDID No. 525779
DCDC No.

THE DEFENDANT HAVING BEEN FOUND GUILTY ON THE FOLLOWING COUNT(S) AS INDICATED BELOW:

Count	Court Finding	Charge
1	Found Guilty - Plea	Robbery
2	Found Guilty - Plea	Obstruction Justice (Due Administration)
3	Found Guilty - Plea	Destruction of Property less than \$1000

SENTENCE OF THE COURT

Count 1 Robbery Sentenced to 60 month(s) incarceration, 3 year(s) supervised release., \$100.00 VVCA, VVCA Due Date 05/30/2027

Count 2 Obstruction Justice (Due Administration) Sentenced to 60 month(s) incarceration, 5 year(s) supervised release, \$100.00 VVCA, VVCA Due Date 05/30/2027

Count 3 Destruction of Property less than \$1000 Sentenced to 180 day(s) incarceration, \$50.00 VVCA, VVCA Due Date 05/30/2027

CREDIT FOR TIME SERVED. COUNTS 1 AND 2 TO RUN CONSECUTIVE TO EACH OTHER AND COUNCURRENT TO COUNT 3.

The defendant is hereby committed to the custody of the Attorney General to be incarcerated for a total term of 120 MONTHS. MANDATORY MINIMUM term of _____ applies.

Upon release from incarceration, the Defendant shall be on supervised release for a term of: 5 YEARS

The Court makes the following recommendations to the Bureau of Prisons/Department of Corrections:

PROVIDE SUBSTANCE ABUSE TREATMENT FOR DRUGS AND ALCOHOL. PROVIDE VOCATIONAL AND EDUCATIONAL PROGRAMS.

Total costs in the aggregate amount of \$ 250.00 have been assessed under the Victims of Violent Crime Compensation Act of 1996, and ☐ have ☒ have not been paid. ☐ Appeal rights given ☐ Gun Offender Registry Order Issued
☒ Advised of right to file a Motion to Suspend Child Support Order ☐ Sex Offender Registration Notice Given
☐ Domestic violence notice given prohibiting possession/purchase of firearm or ammunition
☐ Restitution is part of the sentence and judgment pursuant to D.C. Code § 16-711. ☐ Voluntary Surrender

5/30/2012
Date

Ronna L Beck
RONNA L BECK
Judge/Magistrate Judge

Certification by Clerk pursuant to Criminal Rule 32(d)

5/30/2012
Date

Antinello McWain
Deputy Clerk

Received by DUSM: Mills
Printed Name

Badge#: 2640

Signature: [Signature]

Date: 5/30/12 Time: 1400

Case: 2011 CF1 009258



Count



U.S. Department of Justice
United States Attorney
Ronald C. Machen
District of Columbia

Judiciary Center
555 Fourth St. N.W.
Washington, D.C. 20001

March 15, 2012

Sara E. Kopecki, Esq.
1629 K Street NW
Counsel for Phillip Crooms

Re: United States v. Phillip Crooms, 2011 CF1 9258

Dear Ms. Kopecki:

I write to convey the following plea offer to your client, Phillip Crooms.

Your client is currently charged with one count of Robbery, Obstruction of Justice, and Malicious Burning. If your client pleads guilty to these counts, the government will:

- Agree not to indict him on any charges related to this case, including Felony Murder.
- Reserve its right to allocute as to whether your client should incarcerated pending sentencing;
- Waive or withdraw all enhancement papers that apply;
- Reserve its right to allocute at the time of sentencing for a sentence consistent with the agreement detailed in paragraph 1, below.

- 120 mos .
1. Your client and the Government agree that a sentence within a range of ~~168-216~~ months' incarceration is the appropriate sentence in this case. Your client and the Government agree, pursuant to Rule 11(e)(1)(C) of the Superior Court Rules of Criminal Procedure, to present this plea agreement to the Court for its approval. If the Court accepts the plea agreement and the specific sentence agreed upon by the parties, that is, a sentence of 120 months' incarceration, then the Court will embody in the judgment and sentence the disposition provided for in this plea agreement, pursuant to Rule 11(e)(3) of the Superior Court Rules of Criminal Procedure. The parties understand, however, that in light of other factors the Court may not agree that such a sentence is an appropriate one and may reject the plea agreement pursuant to Rule 11(e)(4) of the Superior Court Rules of Criminal Procedure. Upon such a rejection, pursuant to Rule 11(e)(4), neither party would then be bound by this plea agreement. Your client understands that if this happens, the Court, in accordance with

Case: 2011 CF1 009258
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Bkt: CRAP0F

the requirements of Rule 11(e)(4), will inform the parties of its rejection of the plea agreement, and will afford your client an opportunity to withdraw the plea, or if your client persists in the guilty plea will inform your client that a final disposition may be less favorable to your client than that contemplated by this agreement.

2. The parties further agree that your client, after taking an oath to tell the truth, shall agree to the attached factual proffer in open court on the date of the plea.
3. Your client also agrees that if any firearms or illegal contraband were seized by any law enforcement agency from the possession of or the direct or indirect control of your client, then your client consents to the administrative forfeiture, official use and/or destruction of said firearms or contraband by any law enforcement agency involved in the seizure of those items.
4. The charge to which your client would be entering a guilty plea is a crime of violence as defined in D.C. Code Section 23-1331(4). Some of the evidence that was recovered in this case (described more fully below) may contain biological material, which could be subjected to DNA testing. Before the government will agree to the above plea offer, the defendant must waive, in writing and in open court at the time of the plea, any right he might have to test the evidence for the presence of DNA.
5. In entering this plea of guilty, your client understands and agrees to waive certain rights afforded to your client by the Constitution of the United States and/or by statute. In particular, your client knowingly and voluntarily waives or gives up his right against self-incrimination with respect to the offense(s) to which your client is pleading guilty before the Court which accepts your client's plea. Your client also understands that by pleading guilty, your client is waiving or giving up your client's right to be tried by a jury or by a judge sitting without a jury, the right to be assisted by an attorney at trial, and the right to confront and cross-examine witnesses.

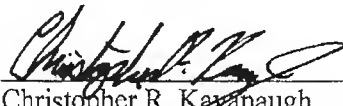
This letter sets forth the entire understanding between the parties and constitutes the complete plea agreement between your client and the Office of the United States Attorney for the District of Columbia. This agreement supersedes all prior understandings, promises, agreements, or conditions, if any, between this office and your client.

THIS PLEA OFFER EXPIRES ON MARCH 2, 2012 AT 5:00 P.M. Importantly, the government reserves the right to withdraw this plea offer at any time prior to acceptance of the plea by the Court.

Sincerely,

RONALD C. MACHEN JR.
United States Attorney

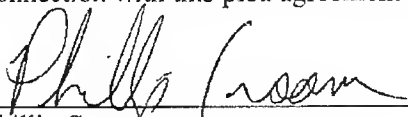
By:


Christopher R. Kavanaugh
Assistant United States Attorney

DEFENDANT'S ACCEPTANCE

I have read this plea agreement and attached factual proffer and have discussed it with my attorney, Sara Kopecki. I fully understand this agreement and agree to it without reservation. I do this voluntarily and of my own free will, intending to be legally bound. No threats have been made to me, nor am I under the influence of anything that could impede my ability to understand this agreement fully. I am pleading guilty because I am in fact guilty of the offenses set forth herein.

I reaffirm that absolutely no promises, agreements, understandings, or conditions have been made or entered into in connection with my decision to plead guilty except those set forth in this plea agreement. I am satisfied with the legal services provided by my attorney in connection with this plea agreement and matters related to it.

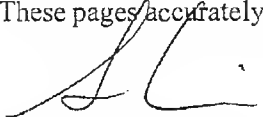


Phillip Crooms
Defendant

3/15/12
Date

ATTORNEY'S ACKNOWLEDGMENT

I have read each of the six pages constituting this plea agreement, reviewed them with my client, Phillip Crooms, and discussed the provisions of the agreement with my client, fully. These pages accurately and completely set forth the entire plea agreement.



Sara Kopecki, Esq.
Attorney for Phillip Crooms

3/15/12
Date

PROFFER OF FACTS

Had the case of United States v. Phillip Crooms, 2011 CF1 9258, proceeded to trial, the government would have proven beyond a reasonable doubt that:

On or about September 25, 2010, at approximately 3:00 a.m. in front of 3755 First Street, S.E., Washington, D.C., Delonte Butler was shot in the face by Joseph Spinks with a rifle while Mr. Butler was in the vehicle. The vehicle immediately drifted off the road and crashed into a nearby tree.

Within the hour after the shooting, the defendant Phillip Crooms, who was with another individual, arrived in the area of 3755 First Street S.E., and met up with Spinks. Over time, Spinks asked defendant if he wanted to see a dead body and he informed the defendant that he had just shot someone. Spinks indicated the location where the decedent's vehicle had come to a rest at the bottom of an incline. Defendant Crooms, Spinks, and the other individual proceeded to the vehicle where they proceeded to search the decedent and his vehicle in order to rob the decedent of his wallet and some jeans. Defendant Crooms searched the car. They also moved the decedent's body in order to search him.

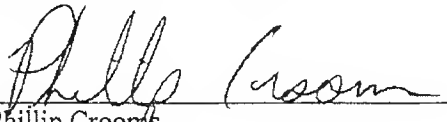
Defendant Crooms, Spinks, and the other individual left with the wallet and bag of jeans and returned to the apartment of Spinks' girlfriend. Defendant Crooms suggested that the vehicle should be torched to destroy fingerprint evidence. Spinks found a bottle of rubbing alcohol and gave it to Defendant Crooms. Crooms left the apartment with the bottle of rubbing alcohol and a t-shirt to torch the vehicle but then Crooms returned and told Spinks that he would not torch the vehicle, that Spinks should do it. Crooms handed the bottle of rubbing alcohol to Spinks and told him "you know what you need to do." Crooms watched as Spinks walked to the vehicle, doused it in rubbing alcohol, and set the vehicle and the decedent on fire. After the flames were visible, Crooms and Spinks give each other a "dap" or handshake and left the area.

After an autopsy was performed on Delonte Butler's body by the Office of the Chief Medical Examiner, Dr. Lois Goslinoski concluded that gunshot wounds to the head were the cause of death and that inhalation of products of combustion was a contributory cause.

Defendant Crooms denies actually taking any items from the decedent or the vehicle, but admits that he assisted and helped in the robbery.

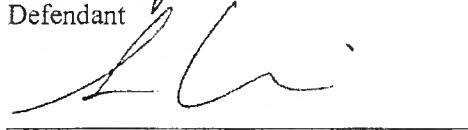
DEFENDANT'S ACKNOWLEDGMENT

I have read and discussed the government's Proffer of Facts with my attorney, Sara Kopecki, Esquire. I agree, and acknowledge by my signature, that this Proffer of Facts is true and correct.



Phillip Crooms
Defendant

3/15/12
Date



Sara Kopecki, Esq.
Attorney for Phillip Crooms

3/15/12
Date

DEFENDANT'S AGREEMENT TO WAIVE DNA TESTING

My attorney has discussed the contents of this plea agreement with me, including the fact that I may request or waive DNA testing. I understand the conditions of the plea and agree to them. I knowingly, intentionally, and voluntarily waive and give up DNA testing of any biological materials in this case. I further state that I am fully satisfied with the services my attorney has provided to me and am fully satisfied with the explanation my attorney has provided me concerning the terms of the plea offer, the potential evidentiary value of DNA evidence in this case, and the consequences of waiving and giving up DNA testing in this case and pleading guilty.


Date:

3/15/12

Date:

3/15/12


Phillip Crooms


Sara Kopecki, Esq.

Attorney for Phillip Crooms